

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SUITS – Land Acquisition – Nizamabad District and Mandal – Ganga Samunder (Village) - O.P.No.1154/77 and batch – Sanction of **Rs.5,10,243/-** - Orders Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 250

DATE:01.05.2010

Read:

From the Secy.to CCLA, AP, Hyd.Lr.No.SRP2/127/2006, dt:30.07.09 alongwith the proposal of the Spl.Collector, LA, SRSP, SSP & JCRGLIP, Hyd dt:27.08.09.

O R D E R:

The Special Secretary to the Chief Commissioner of Land Administration, Hyderabad has submitted the proposals for sanction of decretal charges in respect of O.P.No.1154/77 pertaining to Ganga Samunder (Village) of Nizamabad Mandal and District. The then Land Acquisition Officer, L.A.Unit, Pochampad had acquired the land for an extent of Acs.529.24 ½ gts for submergence by fixing the market value @Rs.500/- to Rs.3,600/- per acre for different categories vide Award No.5/75-76, dt:29.12.75. The Sub-ordinate Judge, Nizamabad in its judgment dt:31.03.1979 has enhanced the compensation for double crop wet land cultivated as such @Rs.8,000/- per acre. Single crop wet land cultivated as such at Rs.4,000/- per acre for dry land cultivated as such at Rs.1,500/- per acre for dry land cultivated at Single crop wet land cultivated as single crop wet Rs.5,000.- per acre, single crop wet land cultivated as dry at Rs.3,000/- per acre. Dry land cultivated as Bagayath land @Rs.5,000/- per acre and dry land kept fallow Rs.100/- per acre is awarded. The action for filing of appeal or otherwise against the orders of the sub-judge, Nizamabad in O.P.No.1154/77 & batch was dropped by the CLR, AP, Hyd Ref.No.G4/5405/79, dt:11.03.8. Accordingly, the decretal amount was deposited in the court of Sub-judge, Nizamabad. Meanwhile the claimants preferred I.A.No.802/02 in O.P.No.1173/77 & batch of (23) cases, requesting enhancement for fruit bearing trees. The Sub-judge, through the judgment dt:31.12.83 in I.A.No.802/82 in O.P.No.1173/77 & batch of (23) cases enhanced the value of fruit bearing trees which was also deposited in the court. Subsequently, the claimants is filed yet another I.A.No.602/81 and batch in Sub-court, Nizamabad for awarding the benefits of L.A.Amendment Act,68 of 1984. The Sub-judge, Nizamabd through the judgment has awarded benefits of L.A.Act, 68/1984 except the 12% AMV U/s.23(1-A) of the Act. Aggrieved with the orders of the Civil court in awarding Amended Act benefit preferred C.R.P.No.188/1983 to 193/96 before the Hon'ble High Court of A.P considering the opinion of Govt.Pleader, Nizamabad. The Hon'ble High Court dismissed the CRP's vide judgment dt:02.02.96 in C.R.P.No.188 to 193/96. The Supreme Court of India has dismissed the Civil Appeals No.285-263/99 on 02.09.04.

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.5,10,243/- (Rupees Five lakhs ten thousand two hundred and forty three only)** towards decretal charges in O.P.No.1154/77 pertaining to Ganga Samunder (Village) of Nizamabad Mandal and District subject to verification whether the reference under section 18(1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Section 18 reference was made contrary to the rules/guidelines issued by he Government/ Special Chief Secretary to Government and Chief Commissioner for LandAdministration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer

(PTO)

once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

3) The Special Collector (LA),SRSP, SSP & JCRGLIP, Hyderabad is directed to follow the directions issued by the Hon'ble High Court on 30.04.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.1154/77 under SRSP for avoiding intervention of the middlemen.

4) The expenditure sanctioned in para (2) above shall be debit able to the following Head of Account "2701- Capital Out Lay – M & MI – 01 – Major Irrigation –Commercial – MH.116 - Sriramasagar Project –GH.11 – Normal State Plan – SH (26) Dams and Appurtenant works – 530/532 lands (Charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O.No.1846/F4(2)/10-1, dated:20.04.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To
The Secretary to CCLA, Andhra Pradesh, Hyderabad.
The Special Collector, LA, SRSP, SSP & JCRGLIP, Tarnaka, Hyderabad.
The SDC, LA-cum-Loc, Unit, SRSP, Pochampad.
The Administrative-cum-Chief Engineer, Hyderabad.
The Director of Works Accounts, Hyderabad.
Copy to: P.S. to Minister (M& MI).
Finance (W&P) Department/File C.No.20291/LA-III(A1/2009
SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER